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**TO:** Suhan Ni Group Art Unit 2643  
USPTO**FAX:** (703) 872-9306**FROM:** James E. Harris  
Registration No. 40,013**Date:** September 21, 2004**Re:** Attorney Do. No. 1420-2 – Response to Notice of Abandonment

Number of pages (including this one: 8

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**REMARKS:**

In re application of: David William House

Confirmation No. 1290

Serial No. 09/478,136

Examiner: Suhan Ni

Filed: January 5, 2000

Group Art Unit: 2643

For:

COCHLEAR IMPLANTS WITH A STIMULUS IN THE HUMAN ULTRASONIC RANGE  
AND METHOD FOR STIMULATING A COCHLEA**NOTICE**

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PATENT APPLICATION  
Attorney's Do. No. 1420-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re patent application of: David William House

Serial No. 09/478,136

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For: COCHLEAR IMPLANTS WITH STIMULUS IN THE HUMAN  
ULTRASONIC RANGE AND METHOD FOR STIMULATING A  
COCHLEA

Confirm. No. 1290

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Enclosed for filing in the above-referenced application are the following:




Request to Withdraw the Holding of Abandonment  
Exhibits A, B, and C (Copies)  
Any deficiency or overpayment should be charged or credited to deposit  
account number 13-1703.

Customer No. 20575

Respectfully submitted,

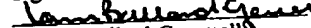
MARGER JOHNSON & McCOLLOM, P.C.

  
James E. Harris  
Reg. No. 40,013

MARGER JOHNSON & McCOLLOM, P.C.  
1030 SW Morrison Street  
Portland, OR 97205  
503-222-3613

I hereby certify that this correspondence  
is being transmitted to the U.S. Patent and  
Trademark Office via facsimile number  
1-703-872-9306, on September 21, 2004.

Signature

  
Lauren Ballard-Gemmell

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PATENT APPLICATION  
Attorney's Do. No. 1420-2**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent application of: David William House

Serial No.	09/478,136	Group No.	2643
Filed:	January 5, 2000	Examiner:	Suhan Ni
Title:	COCHLEAR IMPLANTS WITH STIMULUS IN THE HUMAN ULTRASONIC RANGE AND METHOD FOR STIMULATING A COCHLEA		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT**

Applicant received a Notice of Abandonment dated September 7, 2004, reciting a failure to file a timely reply to the Office letter of November 4, 2003, for the referenced application. Applicant contends the Notice of Abandonment was issued in error, and provides the following exhibits in support of the assertion the Applicant's filed reply was misplaced while under the control of the U.S. Patent and Trademark Office.

The U.S.P.T.O. generated Auto-Reply (Exhibit A), confirmation of facsimile receipt for a two page transmission from the Applicant as Fax Sender on November 21, 2003.

Applicant's facsimile report (Exhibit B), showing the transmission of two pages to the U.S.P.T.O. central telephone number and date of November 21, 2003.

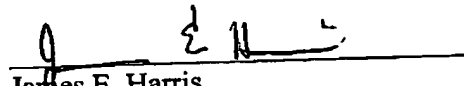
Applicant's Response to Restriction Requirement (Exhibit C, pages 1 and 2), as filed, with a signed certificate of facsimile dated November 21, 2003.

In view of the Exhibits presented, the Applicant respectfully requests the holding of abandonment be withdrawn, and the November 21, 2003, Restriction Requirement be entered, therefore, allowing the application to proceed with examination.

Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

  
James E. Harris  
Reg. No. 40,013

MARGER JOHNSON & McCOLLOM, P.C.  
1030 SW Morrison Street  
Portland, OR 97205  
(503) 222-3613

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number: 1-703-872-9306.  
Date: September 21, 2004

  
Lauren Ballard-Gemmel

USPTO 11/21/2003 4:44 PM PAGE 1/001 Fax Server  
 :Auto-reply fax to 5032744622 COMPANY:

EXHIBIT A

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 5032744622

Fax Information

Date Received:

Total Pages:

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Received  
 Cover  
 Page

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11/21/03 14:40 FAX 5032744622		MARGER JOHNSON McCOLLOM		001	
<b>MARGER JOHNSON &amp; McCOLLOM</b> PROFESSIONAL CORPORATION PATENT, TRADEMARK AND COPYRIGHT LAW, TECHNOLOGY LICENSING & LITIGATION					
900 SW MORRISON STREET PORTLAND, OREGON 97205 USA (503) 222-3613 FAX: (503) 274-4622 Internet: www.mjlaw.com					
TO:	Suhan NI Group Art Unit 2643 USPTO				
FAX:	(703) 872-9306				
FROM:	James E. Harris Registration No. 40,013				
Date:	November 21, 2003				
Re:	Attorney Do. No. 1420-2 Response to Restriction Requirement				
Number of pages (including this one): 2					
In case of error in transmission, call: (503) 222-3613					
<b>REMARKS:</b>					
In re application of:	David William House	Confirmation No.	1290		
Serial No.	09/478,136	Examiner:	Suhan NI		
Filed:	January 5, 2000	Group Art Unit:	2643		
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PAGE 1/2 * RCVD AT 9/21/2004 7:23:31 PM [Eastern Daylight Time] * SVR:USPTO-EPXRF-1/3 * DNIS:8729306 * CSID:5032744622 * DURATION (mm-ss):02-48					

EXHIBIT A

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EXHIBIT B

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

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SUBADDRESS  
CONNECTION ID  
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EXHIBIT B

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EXHIBIT C  
PAGE 1**MARGER JOHNSON & McCOLLOM**  
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EXHIBIT C  
PAGE 1

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